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MEMO ENDORSED

Robert A. Jacobs
Manatt, Phelps & Phillips, LLP
Direct Dial: (310) 312-4360
E-mail: rjacobs@manatt.com

December 23, 2019

ELECTRONICALLY FILED ON ECF

Hon. Valerie E. Caproni
U.S. District Judge
U.S. District Court for the Southern District of New York
40 Foley Square, Room 240
New York, New York 10007

USDC SDNY
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Re: *EMI April Music Inc. v. West*, Case No. 1:19-cv-02127-VEC

Dear Judge Caproni:

We represent plaintiffs EMI April Music Inc. and EMI Blackwood Music Inc. (collectively, “EMI”) in the above-referenced action (the “Action”), and write to apply to reopen the Action pursuant to Your Honor’s Order dated September 26, 2019 (the “Order”). (Dkt. 51)

On September 25, 2019, counsel for EMI, on the one hand, and Defendants Kanye West and West Brands, LLC (collectively, “Defendants”), on the other hand, wrote Your Honor to alert the Court that the parties had reached an agreement in principle to settle the Action. (Dkt. 50) The following day, Your Honor entered the Order, dismissing the Action with prejudice, but permitting the parties to apply within 30 days to reopen the Action upon a showing of “good cause . . . in light of the parties’ settlement”. (Dkt. 51) The deadline to reopen the Action was later extended to December 27, 2019. (Dkt. 55)

Unfortunately, as of today’s date, the parties have been unable to finalize the terms of a settlement agreement, or to finally resolve related issues on which a settlement agreement would be conditioned. As a result, good cause exists, and EMI hereby applies, to reopen the Action.¹

If the Court approves of this request, we respectfully request that it “So Order” this letter and direct the Clerk of Court to reopen the Action. We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/ *Robert A. Jacobs*

Robert A. Jacobs

cc: All counsel of record (via ECF)

¹ Notwithstanding the foregoing, the parties intend to continue to pursue settlement of the Action.

Application GRANTED. The Clerk of Court is directed to reopen the case. The parties must submit a letter detailing the status of settlement negotiations and the status of the related California case, *Please Gimme my Publishing v. EMI April Music*, by **January 6, 2020**.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni".

12/26/2019

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE